

EXHIBIT 1

From: [Lavenue, Lionel](#)
To: [Robert Earle](#); [Jim Etheridge](#); [mark.waltfairpllc.com](#)
Cc: [Ryan Loveless](#); [Travis Richins](#); [Schulz, Bradford](#); [Leonard, Katherine](#); [Hines, Lisa](#)
Subject: RE: WSOU v. ZTE - 6:20-cv-487-497 - Request for Hearing and Joint Chart Submission
Date: Tuesday, March 2, 2021 1:31:01 PM

Robby,

ZTE Defendants acknowledge the Court's Order, as issued last Friday, February 26, 2021.

First, as required by the Court's Order of February 26, 2021, Defendants will group the claim construction terms for briefing in accordance with the three groupings.

Second, as required by the Court's Order of February 26, 2021, Defendants will further reduce the terms for construction from 88 terms (that is, 8 per case) down to 36 terms (or, twelve claims per the 3 groups).

Third, by the Court's Order of February 26, 2021, Defendants will provide WSOU with the reduced 36 terms today, Tuesday, March 2, 2021, and Defendants respectfully decline the alternative option for accelerated briefing (that is, which would have accelerated Defendants' opening brief from April 9, 2021 to March 12, 2021); thus, with this declination, WSOU's initial claim construction brief for each group is due by March 12, 2021 (with Defendants' opening brief remaining due on April 9, 2021).

Regards,

Lionel

From: Robert Earle <Robert_Earle@txwd.uscourts.gov>
Sent: Friday, February 26, 2021 7:37 PM
To: Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jim Etheridge <jim@etheridgelaw.com>; mark.waltfairpllc.com <mark@waltfairpllc.com>
Cc: Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>
Subject: RE: WSOU v. ZTE - 6:20-cv-487-497 - Request for Hearing and Joint Chart Submission

EXTERNAL Email:

Counsel,

My apologies for any delay in resolving this dispute. The winter weather we experienced here in Texas unfortunately hampered Courthouse operations. That said, the Court also recognizes that Plaintiff's Opening Brief is due on March 12 --- meaning that time is of the essence. Accordingly, the Court has worked to find a solution that reflects OGP 3.2 without putting an excessive burden on either party. The Court thus orders the following:

1. The patents in these cases shall be grouped as follows for the purposes of claim construction briefing:

Group 1 (487, 488, 494, 49)

Group 2 (489, 492, 495)

Group 3 (490, 491, 493, 497)

2. ZTE is hereby ORDERED to comply with the following term limits:

Group	Terms
1	12
2	12
3	12

3. ZTE is hereby ORDERED to provide WSOU with its 36 terms, no later than Tuesday, March 2, 2021.

OR

-

If it is less burdensome, ZTE may choose to file the Opening Brief on March 12 (instead of WSOU) with WSOU's Responsive Brief being due on April 9, and so on. The Court understands that this is a deviation from its standard practice whereby Plaintiff generally submits the Opening Brief, but it feels such a deviation may be warranted in light of the timetable. If ZTE has any questions, it may feel free to contact the Court for further guidance. Either way, the Court would appreciate if ZTE would inform the Court of its choice at its earliest convenience.

Best,
Robby

Robby Earle

Law Clerk to the Hon. Alan D Albright
United States District Court - Western District of Texas
[800 Franklin Avenue, Room 301](#)
[Waco, Texas 76701](#)
Direct: [\(254\) 750-1517](#)
Robert_Earle@txwd.uscourts.gov

From: Lavenue, Lionel <lionel.lavenue@finnegan.com>

Sent: Friday, February 12, 2021 10:29 PM

To: Jim Etheridge <jim@etheridgelaw.com>; mark waltfairpllc.com <mark@waltfairpllc.com>;
Robert Earle <Robert_Earle@txwd.uscourts.gov>

Cc: Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>
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CAUTION - EXTERNAL:

Robby,

WSOU is incorrect. By WSOU claiming that the spreadsheet is “historically accurate,” WSOU concedes that it’s inaccurate now; and, indeed, it was inaccurate when submitted. Such is improper, by WSOU.

The positions of the parties were represented in the single chart submission. WSOU’s addition/introduction of the additional, inaccurate spreadsheet also violates the spirit of the joint submission process.

Regards,

Lionel

From: Jim Etheridge <jim@etheridgelaw.com>

Sent: Friday, February 12, 2021 11:01 PM

To: Lavenue, Lionel <lionel.lavenue@finnegan.com>; mark waltfairpllc.com

<mark@waltfairpllc.com>; Robert Earle <Robert_Earle@txwd.uscourts.gov>

Cc: Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>

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EXTERNAL Email:

Robbie,

The spreadsheet chart simply reflects a plain accounting of ZTE’s terms. ZTE can’t dispute that they identified 199 terms and that WSOU had to work thru each of them and identify a construction for each of those 199 terms. While ZTE may now argue that some terms are means-plus-function terms, the spreadsheet chart clearly identifies which terms they identify as means-plus-function. The chart is historically accurate and visually highlights the problem for the Court and why WSOU seeks its relief.

Cordially,
Jim

Jim Etheridge | Etheridge Law Group

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From: Lavenue, Lionel <lionel.lavenue@finnegan.com>

Sent: Friday, February 12, 2021 6:25 PM

To: mark [waltfairpllc.com](mailto:mark@waltfairpllc.com) <mark@waltfairpllc.com>; Robert Earle <Robert_Earle@txwd.uscourts.gov>

Cc: Jim Etheridge <jim@etheridgelaw.com>; Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>

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Robby,

ZTE Defendants object to any extra submission by WSOU with known inaccuracies, especially as ZTE warned WSOU of the inaccuracies, specifically (and yet it was not corrected before submission).

Regards,

Lionel

From: mark [waltfairpllc.com](mailto:mark@waltfairpllc.com) <mark@waltfairpllc.com>

Sent: Friday, February 12, 2021 7:21 PM

To: Lavenue, Lionel <lionel.lavenue@finnegan.com>; Robert Earle <Robert_Earle@txwd.uscourts.gov>

Cc: Jim Etheridge <jim@etheridgelaw.com>; Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>

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EXTERNAL Email:

Robby:

This chart is part of Plaintiff WSOU's position. While the ZTE Defendants are free to submit (via its own position) why it disagrees with Plaintiff WSOU's position, it is inappropriate to suggest that Plaintiff WSOU's should somehow be disregarded.

Sincerely,

Mark

From: Lavenue, Lionel <lionel.lavenue@finnegan.com>
Sent: Friday, February 12, 2021 5:49 PM
To: mark [waltfairpllc.com](mailto:mark@waltfairpllc.com) <mark@waltfairpllc.com>; Robert Earle <Robert_Earle@txwd.uscourts.gov>
Cc: Jim Etheridge <jim@etheridgelaw.com>; Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>
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Robby,

ZTE Defendants object to the Excel spreadsheet, as just submitted by Plaintiffs WSOU. ZTE notified WSOU earlier today, specifically, that the Claim Summaries Excel chart is inaccurate, given ZTE Defendants' proposed claim constructions incorporating reductions of terms for construction (as-served today). As such, the chart is no longer current and provides little assistance in resolving the parties' dispute.

Regards,

Lionel

From: mark [waltfairpllc.com](mailto:mark@waltfairpllc.com) <mark@waltfairpllc.com>
Sent: Friday, February 12, 2021 6:30 PM
To: Robert Earle <Robert_Earle@txwd.uscourts.gov>
Cc: Jim Etheridge <jim@etheridgelaw.com>; Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>
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EXTERNAL Email:

Robby,

I forgot to include an excel spreadsheet that provides support for WSOU's position as outlined in the joint chart.

Sincerely,

Mark

From: mark [waltfairpllc.com](mailto:mark@waltfairpllc.com)

Sent: Friday, February 12, 2021 3:01 PM

To: Robert Earle <Robert_Earle@txwd.uscourts.gov>

Cc: Jim Etheridge <jim@etheridgelaw.com>; Ryan Loveless <ryan@etheridgelaw.com>; Travis Richins <travis@etheridgelaw.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Schulz, Bradford <Bradford.Schulz@finnegan.com>; Leonard, Katherine <Katherine.Leonard@finnegan.com>; Hines, Lisa <Lisa.Hines@finnegan.com>

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Robby,

Plaintiff WSOU has met and conferred with Defendant ZTE regarding a dispute concerning Markman briefing term limitations, and requests the Court's assistance and a hearing on this matter. Attached is the required joint chart outlining the issues and requested relief. We appreciate your assistance with this matter.

Sincerely,

Mark Siegmund

Walt Fair, PLLC

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Waco, Texas 76710-4462

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